

FORMAT FOR FILING COMPLAINT BEFORE WEST BENGAL INFORMATION COMMISSION (Vide Circular No. 1522-WBIC/Adm-05/13 dated 13.08.2014)

Complaint under section 18 of the Right to Information Act, 2005

1. Name of the Applicant: SUJATA DUTTA.
2. Address: 31/2 GOLF CLUB ROAD KOLKATA - 700 033.
3. Date of filing of application for information under RTI Act (A self attested copy of RTI application should be attached): 1 December 2023.
4. Name of the State Public Information Officer to whom the application was made and address:

SOUVIK DE,
THE CHIEF JUDICIAL MAGISTRATE AND
STATE PUBLIC INFORMATION OFFICER,
SOUTH 24 PARGANAS, ALIPORE,
ALIPORE POLICE COURT,
6, BAKER ROAD, KOLKATA - 700027.

5. Content of information sought for: Five certified copies of order dated 11 December 1996 passed by the Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas in case number T.R. 12 of 1996 (disposed of by the order dated 11 December 1996) of the Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas.

6. Have you received any response? No
(If so, attach a self attested copy of the same)

7. Grounds for complaint

- (I) The applicant has not got, till the date of this complaint, any response from the chief Judicial Magistrate and State Public Information Officer, South 24 Parganas, Alipore (such chief Judicial Magistrate and State Public Information Officer being hereinafter referred to as the SPIO), in relation to application number 2 dated 30 November 2023 fairly given, by the applicant, to the SPIO (such application number 2 dated 30 November 2023 being hereinafter referred to as the said application).
- (II) The applicant is entitled to get the information which information the applicant requests for (under, inter alia, section 6 of the Right to Information Act, 2005) by the said application (such information being hereinafter referred to as the said information).
- (III) To the best of the knowledge and belief of the applicant, the said information —
(a) does not fall within the restrictions which restrictions sections 8 and 9 of the Right to Information Act, 2005 contain; (b) pertains to the office of the SPIO.

- (IV) A court fee stamp of rupees ten is accompanied with the said application as rule under the Right to Information Act, 2005 prescribes.
- (V) The applicant fairly annexes with the said application one copy of the electoral photo identity card, showing number LFB0377044 and dated 19 March 2020, of the applicant, issued by the Election Commission of India for fair consideration of the copy of the electoral photo identity card.
- (VI) The applicant is a citizen of India.
- (VII) The applicant is entitled (under section 3 of the Right to Information Act, 2005) to get the said information.
- (VIII) The applicant is entitled (under section 7 of the Right to Information Act, 2005) to get, free of charge, the said information.
- (IX) The applicant has not got, till the date of this complaint, the said information from the SPIO.
- (X) The SPIO has not furnished the said information within the date of 30 December 2023.
- (XI) The SPIO was liable (under section 7 of the Right to Information Act, 2005) to provide the said information within the date of 30 December 2023.
- (XII) The SPIO is deemed (under section 7 of the Right to Information Act, 2005) to have refused request for the said information.
- (XIII) The West Bengal Information Commission (such Commission being hereinafter referred to as the WBIC) is liable (under section 20 of the Right to Information Act, 2005) — (a) to impose, on the SPIO, a penalty of two hundred and fifty rupees each day from the date of 31 December 2023 till the said information is furnished, by the SPIO, to the applicant. So however, the total amount of such penalty shall not exceed twenty five thousand rupees; (b) to recommend for disciplinary action against Souvik De (who serves as the SPIO) under the service rules applicable to Souvik De (who serves as the SPIO).
- (XIV) The order dated 11 December 1996 passed by the Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas in case number T.R. 12 of 1996 (disposed of by the order dated 11 December 1996) of the Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas (such order dated 11 December 1996 being hereinafter referred to as the order dated 11 December 1996) is an order, for maintenance, under section 125 of the Code of Criminal Procedure, 1973, in favour of the applicant.

(3)

- (xv) The case record in relation to the order dated 11 December 1996 (such case record in relation to the order dated 11 December 1996 being hereinafter referred to as the said case record) is liable [by reason of, inter alia, operation of rule 358 of the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985] to be preserved by Court because, inter alia, — (a) the said case record is a record of a case in which an order for maintenance has been made under section 125 of the Code of Criminal Procedure, 1973; (b) such order for maintenance remains in force; (c) the order dated 11 December 1996 remains in force.
- (xvi) The order dated 11 December 1996 proves, inter alia, that — (a) the applicant is the lawful wife of Shri Shyam Prasad Dutta; (b) the applicant has right in Shri Shyam Prasad Dutta and property of Shri Shyam Prasad Dutta.
- (xvii) The applicant perceives, inter alia, that — (i) Shri Shyam Prasad Dutta, who is the lawful husband of the applicant (such Shri Shyam Prasad Dutta being hereinafter referred to as Shyam), unfairly acts, inter alia, through a network of persons (other than the applicant and Shri Debjyoti Dutta who is the lawful son of Shyam and the applicant) who are influential (such persons who are influential being hereinafter referred to as the first persons) and persons (other than the applicant and Shri Debjyoti Dutta who is the lawful son of Shyam and the applicant) who are powerful (such persons who are powerful being hereinafter referred to as the second persons) to tamper Sourish De (who serves as the SPIO), public servant and, inter alia, the SPIO (such tampering being hereinafter referred to as the tampering) to, inter alia, murder the applicant and Shri Debjyoti Dutta (who is the lawful son of Shyam and the applicant) for, inter alia, long term non-stop unfair earning of property of crore crore money (unfairly involving, inter alia, Shyam, the first persons, the second persons, the said Sourish De, public servant and the SPIO) unfairly involving inter alia, the premises number 3 1/2 Golf Club Road Kolkata - 700 033 (such premises number 3 1/2 Golf Club Road Kolkata - 700 033 being hereinafter referred to as the said premises) unfairly defeating the rights of the applicant and Shri Debjyoti Dutta (who is the lawful son of Shyam and the applicant) to the said premises (such long term non-stop unfair earning being hereinafter referred to as the long term unfair earning); (ii) in consequence, inter alia, of the unfair act of the tampering, Shyam, the first persons, the second persons, the said Sourish De, public servant and, inter alia, the SPIO are, inter alia, parties to a criminal

(4)

conspiracy to, inter alia, murder the applicant and Shri Debjyoti Dutta (who is the lawful son of Shyama and the applicant) for the reason relating to, inter alia, the long term unfair earning unfairly defeating the rights of the applicant and Shri Debjyoti Dutta (who is the lawful son of Shyama and the applicant) to the said premises (such criminal conspiracy being hereinafter referred to as the criminal conspiracy); (iii) in consequence, inter alia, of the unfair act of the tampering, the SPIO has not furnished the said information till the date of this complaint; (iv) in consequence, inter alia, of the procurement, inter alia, of the criminal conspiracy, the SPIO has not furnished the said information till the date of this complaint; (v) Shyama, the first persons, the second persons, the said Souvik De, public servant and, inter alia, the SPIO unfairly aim — (a) to unfairly avoid, the lawful process of, inter alia, penal law against Shyama, the first persons, the second persons, the said Souvik De, public servant and, inter alia, the SPIO respectively; (b) to unfairly enjoy unfair proceeds of the long term unfair earning and, inter alia, (c) to unfairly cause unfair application of the long term unfair earning in unfairly giving effect to unfair purpose.

(XVII I) The applicant perceives, inter alia, that — (i) in the case of *Brajnandan Saha versus Jyoti Narain AIR 1956 SC 66* the Honourable Supreme Court of India fairly rules that 'in order to constitute a court in the strict sense of the term, an essential condition is that the court should have, apart from having some of the trappings of a judicial tribunal, power to give a decision or a definitive judgment which has finality or authoritativeness which are the essential tests of a judicial pronouncement'. (such ruling being hereinafter referred to as the said ruling); (ii) the WBIC has (under the Right to Information Act, 2005), apart from having some of the trappings of a judicial tribunal, power to give a decision and a definitive judgment which have finality and authoritativeness which are the essential tests of a judicial pronouncement; (iii) the WBIC (by reason of, inter alia, operation of the said ruling) is a court in strict sense of the term.

(XIX) Any sums required to satisfy any judgment, decree or award of which judgment, which decree or which award requires (under section 19 of the Right to Information Act, 2005) the public authority in relation to the SPIO to compensate the applicant for any loss or other detriment suffered, is liable (under article 202 of the Constitution of India) to be charged on the Consolidated Fund of the State of West Bengal as an expenditure (under article 202 of the Constitution of India) of the State of West Bengal.

(5)

- (XX) The said information is necessary for lawful purpose.
- (XXI) By reason of, inter alia, refusal (on the part of the SPIO), to the applicant, to access to the said information — (a) the applicant suffers loss of crore rupees; (b) the applicant suffers detriment of crore rupees.
- (XXII) The Court of 8th Judicial Magistrate at Alipore, South 24 Parganas (such Court of 8th Judicial Magistrate being hereinafter referred to as the Court of 8th JM), by order dated 23 June 2015 in case number A.C. 1884 of 2012 of the Court of 8th JM, passed, inter alia, protection order, under section 18 of the Protection of Women from Domestic Violence Act, 2005, in favour of the applicant (such protection order being hereinafter referred to as the protection order).
- (XXIII) The WBIC is bound (by reason of, inter alia, operation of the Constitution of India and the protection order) — (a) not to act against the applicant (b) not to pass any order against the applicant; (c) not to make any statement against the applicant; (d) not to take notice of anything against the applicant.

8. Relief sought for

- (I) The WBIC be pleased to require [under sub-section (3) of section 19 of the Right Information Act, 2005] — (a) the public authority in relation to the SPIO to give, free of charge, to the applicant five certified copies of order dated 11 December 1996 passed by the Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas in case number T.R. 12 of 1996 (disposed of by the order dated 11 December 1996) of the Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas; (b) the SPIO to give, free of charge, to the applicant five certified copies of order dated 11 December 1996 passed by the Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas in case number T.R. 12 of 1996 (disposed of by the order dated 11 December 1996) of the Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas; (c) the public authority in relation to the SPIO to pay (as compensation), rupees twenty five crore, to the applicant; (d) the SPIO to pay (as compensation) rupees twenty five crore, to the applicant; (e) the Governor of West Bengal to pay (as compensation), rupees twenty five crore, to the applicant.
- (II) The WBIC be pleased (under section 20 of the Right to Information Act, 2005) — (a) to impose, on the SPIO, a penalty of two hundred and fifty rupees each day from the date of 31 December 2023 till the date the said information is furnished by the SPIO, to the applicant, so however, the total amount of such penalty shall not exceed twenty five thousand rupees; (b) to recommend for disciplinary action against Souvik De (who serves as the SPIO) under the service rules applicable to Souvik De (who serves as the SPIO); (c) to recommend for disciplinary

action against the SPIO under the service rules applicable to the SPIO.

- (III) The WBIC be pleased [under sub-section (9) of section 19 of the Right to Information Act, 2005] to give (to the applicant) notice of decision of the WBIC, including any right of appeal, in relation to this matter.
- (IV) The WBIC be fairly pleased (under rule of justice being a basic structure of the Constitution of India) to fairly ensure that the amount of money, which amount of money the applicant fairly prays (by this complaint) for payment (as compensation) to the applicant, be charged (under article 202 of the Constitution of India) on the Consolidated Fund of State of West Bengal.
- (V) The WBIC be fairly pleased (by reason of, inter alia, operation of the Constitution of India, the protection order and rule of justice being a basic structure of the Constitution of India) — (a) not to act against the applicant; (b) not to pass any order against the applicant; (c) not to make any statement against the applicant; (d) not to take notice of anything against the applicant.
- (VI) The WBIC be fairly pleased to dispense justice, without delay, to the applicant in relation to this complaint.

I, SUJATA DUTTA, WIFE OF SHRI SHYAMA PRASAD DUTTA, AGED 66 YEARS, being an Indian citizen do hereby solemnly affirm that the statements made herein are true to the best of my knowledge and belief based on record and the rest are my humble submissions to the Honourable West Bengal Information Commission.

Sujata Dutta

Place: HOME

Signature of the applicant / the complainant

SUJATA DUTTA

Date: 23 February 2024

Name of the applicant / the complainant

Continued To Page Number 7

(7)

Index of documents attached: —

1. Copy of the Event Details / the track report dated 1 December 2023 in relation to the consignment number EW442491377 IN (in relation to the said application and all of the annexures to the said application) mentioned in the postal receipt dated 30 November 2023 issued by Alipore Head Post Office of Kolkata - 700027 of India Post.
2. Copy of the postal receipt dated 30 November 2023, for booking of consignment number EW442491377 IN (in relation to the said application and all of the annexures to the said application), issued by Alipore Head Post office of Kolkata - 700027 of India Post.
3. Copy of the envelope (which envelope contains the said application and all of the annexures to the said application) in relation to the consignment number EW442491377 IN mentioned in the postal receipt dated 30 November 2023 issued by Alipore Head Post Office of Kolkata - 700027 of India Post.
4. Self attested copy of court fee stamp of rupees ten accompanied with the said application.
5. Self attested copy of the said application.
6. Copy of all of the annexures (fairly mentioned in the said application) to the said application.
7. Copy of the order dated 23 June 2015 passed by the Court of 8th Judicial Magistrate at Alipore in case number A.C. 1884 of 2012 of the Court of 8th Judicial Magistrate at Alipore.

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Track Consignment

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* Indicates a required field.

* Consignment Number

EW442491377IN



Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Alipore HO	30/11/2023 15:15:28	700027	17.70	Inland Speed Post	Alipore HO	01/12/2023 20:33:58

Event Details For : EW442491377IN

Current Status : Item Delivered [To: office staff (Article Receipt Room)]

Date	Time	Office	Event
01/12/2023	21:00:00	Alipore HQ (Beat Number:11)	Item Delivered [To: office staff (Article Receipt Room)]
01/12/2023	20:33:58	Alipore HO	Item Delivered(Addressee)
01/12/2023	11:07:17	Alipore HO	Out for Delivery
01/12/2023	09:43:05	Alipore HO	Item Received
30/11/2023	17:34:18	Alipore HO	Item Bagged
30/11/2023	15:15:28	Alipore HO	Item Booked

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Speed Post

1. Application number 1 dated [redacted] documents referred to the application number 1
2. Application number 2 dated [redacted] and all of the documents provided to the application number 2

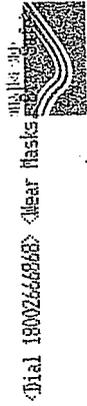
From

Sriyatha Dutt

3/2 Golf Club Road
Kolkata - 700032

To
The Chief Judicial Magistrate and
State Public Information Officer,
Sector 24 Parganas, Alipore,
Alipore Police Court,
6, Baker Road,
Kolkata - 700027

Track on www.indianpost.gov.in



<Dial 18002666668 > Wear Masks
EW442491377IN IVR:6987442491377
SF ALIPURE HO <700027>
Counter No:3,30/11/2023,15:15
To:CJM,SPID
PIN:700027, Alipore HO
From:SRIYATHA DUTT,3/2 GOLF CLUB R
Wt:35gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indianpost.gov.in>

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Form 'A'

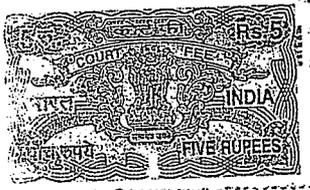
Form for application/request for obtaining information

[Rule 3 of the Calcutta High Court (Right to Information) Rules, 2006]

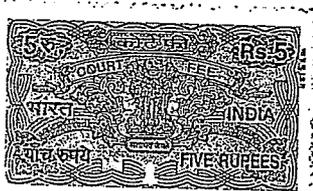
To

The Chief Judicial Magistrate and State Public Information Officer, South 24 Parganas,
Alipore, Alipore Police Court, 6, Baker Road, Kolkata - 700 027

1. Name of the Applicant : SUJATA DUTTA
2. Address : 31/2 GOLF CLUB ROAD KOLKATA - 700 033
3. Particulars of information
 - (a) concerned department : Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas
 - (b) Particulars of information required : Five certified copies of order dated 11 December 1996 passed by the Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas in case number T.R. 12 of 1996 (disposed of by ^{the} order dated 11 December 1996) of the Court of Additional Chief Judicial Magistrate at Alipore, South 24 Parganas.



4. I state, to the best of my knowledge and belief, that the information sought for does not fall within the restrictions contained in sections 8 and 9 of the Right to Information Act, 2005 and, that the information pertains to your office.
5. A court fee stamp of rupees ten is accompanied with this application as being prescribed by rules made under the Right to Information Act, 2005.
6. I fairly annex with this application the following documents for fair consideration, of such documents, by you —
 - (a) one copy of my electoral photo identity card, showing number LFB0377044 and dated 19 March 2020, issued by the Election Commission of India; (b) one copy of the order dated 21 December 2004 passed by the Honourable High Court, Calcutta in W.P. 21020 (w) of 2004 of the Honourable High Court, Calcutta.



Sujata Dutta

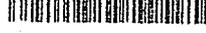
Signature of the Applicant

Dated: 30.11.2023

Self attested
Sujata Dutta

23 February 2024

ভারতের নির্বাচন কমিশন
ELECTION COMMISSION OF INDIA
নির্বাচকের অতিরিক্ত পরিচয় পত্র ELECTOR PHOTO IDENTITY CARD



LFB0377044



নাম : সুজাতা দুট্টা

Name : Sujata Dutta

স্বামীর নাম : শ্যামা প্রসাদ দুট্টা

Husband's Name : SHYAMA PRASAD
DUTTA

লিঙ্গ/Gender : স্ত্রী / Female

জন্ম তারিখ / বয়স : 62

Date of Birth/ Age :

ঠিকানা : 31/2, গোল্ফ ক্লাব রোড, কোলকাতা মিউনিসিপাল

কর্পোরেশন, জাদবপুর, দক্ষিণ 24 পরগণা, 700033

Address : 31/2, GOLF CLUB ROAD, Kolkata Municipal
Corporation, JADAVPUR, SOUTH 24 PARGANAS, 700033

উন্মিমা চাক্ষুর্কিন

তারিখ : Date : 19-03-2020 নির্বাচক নিবন্ধন আধিকারিক
Electoral Registration Officer

বিধানসভা নির্বাচন কেন্দ্রের নং ও নাম : 152-টোলীগঞ্জ (সাধারণ)
Assembly Constituency No. and Name : 152-Tollyganj
(GENERAL)

অংশ নং ও নাম : 11-টোলীগঞ্জ বাঙ্গুর হাই স্কুল রুম-৩
Part No. and Name : 11-Tollygunge Bangur High School
Room-3

বিঃ দ্রঃ / Note

1. আপনার কাছে এই কার্ড থাকলে এমন কোন নিশ্চয়তা নেই যে বর্তমান
ভোটার তালিকায় আপনার নাম রয়েছে। প্রতিটি নির্বাচনের আগে অনুগ্রহ
করে ভোটার তালিকায় নাম যাচাই করুন।

Merely possession of this card is no guarantee that you are elector
in the current electoral roll. Please check your name in the
current electoral roll before every election.

2. এই কার্ডে উল্লিখিত জন্ম তারিখ ভোটার তালিকায় নাম নথিভুক্ত করা
ব্যতীত অন্য কোন কাজের প্রমাণ হিসেবে নেওয়া হবে না।

Date of birth mentioned in this card shall not be treated as a proof
of age / D. O. B for any purpose other than registration in
electoral roll.

W. P. 21020 (W) of 2004

21-12-04

Smt. Sujata Dutta ... (in person)

Mrs. Runu Choudhury for State.

If there is any grievance of the petitioner, the petitioner shall be at liberty to lodge a complaint before the appropriate police station and the police authorities are directed to take necessary steps in accordance with the provisions of law.

So far the alimony is concerned, the petitioner shall be at liberty to apply before the appropriate forum for appropriate order. This Court has no jurisdiction to pass any order in respect of non-payment of alimony by her/petitioner's husband.

This writ application is, accordingly, disposed of .

Let a xerox plain copy of this order duly countersigned by Assistant Registrar (Court) be given to the petitioner who is appearing in person and for the learned Advocate for the State on usual undertaking.

S. Chakravarty
10-1-05
Assistant Registrar (Court)
High Court Appellate Side
Calcutta

SD/- PINAKI CHANDRA GHOSE- J

IN THE COURT OF 8TH J. M. ALIPORE

A.C. 1884/2012

(Sujata Dutta vs - Shyama Prasad Dutta)
Order dated 23/06/2015 Today is fixed for further hearing
of the prayer u/s. 23(2) P.W.D.V. Act

Petitioner files heriva and moves her prayer
in - person.

I have perused the materials on record,
especially the application of the aggrieved
lady, the D.V.G. report as submitted by
Protection officer and the affidavit in
prescribed form.

In her application u/s. 12 of the
Protection of Women against Domestic Violence
Act, she stated that the respondent, being
her husband, has subjected her to domestic
violence and therefore she has prayed for
reliefs available under this Act.

Summons of this case were sent to
the residential address and office address
of the respondent. The Court vide order
dated 27-02-2015 fixed this case for

hearing ex-parte u/s. 23(2) of the Act,
after considering the report of the
Protection officer u/s. 13(2) of the said Act.

The aggrieved lady submitted
affidavit in prescribed form.

After scrutiny of the entire judicial
record, the I.V. report and the
annexures as submitted by the
aggrieved lady, I am of the considered
view that the application prima facie
discloses that the respondent has
committed several acts of domestic
violence upon the aggrieved lady
and there is likelihood that respondent
may commit further act of domestic
violence upon her.

Therefore, she is entitled to the
reliefs as prayed for.

Accordingly, this case succeeds
ex-parte against the respondent.

Hence, it is ordered.

that the application u/s. 12 of the P.W.D.V. Act filed by the aggrieved lady is allowed ex-parte but without any order as to costs.

The protection order u/s. 18 of the Act is passed in favour of the aggrieved lady.

The respondent is prohibited from committing any act of domestic violence upon her or any other act of similar nature as mentioned in the application u/s. 12 of the Act.

The residence order u/s. 19 of the Act is passed in favour of the aggrieved lady.

The respondent is restrained from dispossessing the aggrieved lady from the shared household or from any other act of similar nature as mentioned in the application u/s. 12 of the Act.

The monetary relief up. 20 of the Act is passed in favour of the aggrieved lady.

The monetary relief shall be in conformity of the conditions as laid down up. 20(2) of the Act.

The respondent is directed to pay Rs. 10,000/- (ten thousand) per month regularly to the aggrieved lady within seventh day of the succeeding month. This order takes effect on and from 23/07/2012 i.e. from the date of filing this application. Respondent is directed to liquidate the entire arrears amount within 12 months of his gaining knowledge of this order.

The compensation order up. 22 of the Act is passed in favour of the aggrieved lady.

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The respondent is directed to pay a compensation of Rs. 15,000/- (fifteen thousand) one time lump sum to the aggrieved lady within two months of his gaining knowledge about this order.

of the respondent violates the directions passed in this order, aggrieved lady is at liberty to get the order implemented through process of law.

Copy of this order to be given free of cost to the aggrieved lady and a copy of the same be sent to officer-in-charge, Sidham Nagar (North) P.S. Rohtak for taking necessary action.

With this view and directions as mentioned above, the application u/s. 12 of the Act is disposed of.

Sd/- S.K. Dhar

